

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

RANDY CAMPBELL,

Plaintiff,

v.

PNC BANK, N.A., MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., HOME LOAN
CENTER, INC., LENDING TREE
LOANS,

Defendants.

CIVIL ACTION

NO. _____

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §§1441 and 1446, you are hereby notified that Defendants PNC Bank, N.A. ("PNC") and Mortgage Electronic Registration Systems, INC. ("MERS"), are removing this civil action from the Circuit Court of Etowah County, State of Alabama, to the United States District Court for the Northern District of Alabama, Middle Division, and in support thereof show this Court the following:

BACKGROUND

1. Plaintiff filed a Complaint against PNC on May 28, 2015, in the Circuit Court of Etowah County, State of Alabama, Case No. 31-CV-2015-900422.00, and styled "*Randy Campbell v. PNC Bank, N.A., Mortgage Electronic Registration Systems, Inc., Home Loan Center, Inc., Lending Tree Loans*". True and correct copies of all process, pleadings and orders received by PNC in said civil action are attached hereto as Exhibit A.

2. PNC and MERS were served with summons and a copy of the Complaint on June 1, 2015. Thus, this Notice of Removal is filed within 30 days after receipt by PNC and MERS, through service or otherwise, of the Complaint setting forth the claim for relief upon which this action is based, and, therefore, it is timely within the provisions of 28 U.S.C. §1446(b).

3. Defendant Home Loan Center, Inc. ("HLC") does business as "Lending Tree Loans."

4. HLC also was served on June 1, 2015.

5. HLC consents to removal. *See* Consent to Removal attached hereto as Exhibit B.

GROUND FOR REMOVAL

6. Under 28 U.S.C. § 1331, United States District Courts are vested with jurisdiction to consider cases or controversies “arising under” the laws of the United States of America. *See* 28 U.S.C. § 1331.

7. Removal of such cases is governed by 28 U.S.C. § 1441(b). Section 1441(b) makes clear that a case brought in state court, raising a federal question, “shall be removable” to the United States District Courts “without regard to the citizenship or residence of the parties.” *See* 28 U.S.C. § 1441(b) (emphasis added).

8. Here, Plaintiff claims that PNC and MERS allegedly violated (i) the "Truth in Lending Act" (Compl. at ¶¶ 80-89); (ii) the "Real Estate Settlement Procedures Act" (*Id.* at ¶ 91-92); (iii) the "Fair Credit Reporting Act" (*Id.* at ¶¶ 94-104); and the "Federal Fair Debt Collections Practices Act" (*Id.* at ¶¶ 106-107).

9. Plaintiff's Complaint alleges violations of federal statutes, and consequently "arises under" the laws of the United States and this Court has federal question jurisdiction. *See* 28 U.S.C. § 1331.

CONCLUSION

10. This Court has subject-matter jurisdiction over the Plaintiff's claims pursuant to 28 U.S.C. § 1331.

11. Removal of this action is proper under 28 U.S.C. § 1446 because:

- (a) this Notice of Removal is being filed within thirty (30) days of the PNC's receipt (through service or otherwise) of the Complaint;
- (b) this Notice of Removal is being filed within one (1) year of the date of commencement of the action for removal purposes; and
- (c) Defendants have not previously sought similar relief.

12. Venue for removal of this action to this Court is proper because it is the district court of the United States for the district and division in which the state civil action being removed is pending within the meaning of 28 U.S.C. § 1441 and § 1446(a).

13. A copy of the Notice of Removal will be contemporaneously filed with the Circuit Court of Etowah County. A copy of this filing with the State Court without exhibits is attached hereto as Exhibit C.

WHEREFORE, Defendants PNC and MERS respectfully request that the entire action referred to hereinabove proceed in the United States District

Court for the Northern District of Alabama, Middle Division, and that no further proceeding be held in said case in the Circuit Court of Etowah County.

This 30th day of June, 2015.

/s/ Gregory M. Taube
Gregory M. Taube
Alabama Bar No. ASB-4499-A41G

Attorney for Defendants
PNC Bank, N.A. and
Mortgage Electronic Registration Systems

NELSON MULLINS RILEY & SCARBOROUGH LLP
201 17th Street, NW, Suite 1700
Atlanta, GA 30363
(404) 322-6000 (Phone)
(404) 322-6050 (Fax)
greg.taube@nelsonmullins.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing *NOTICE OF REMOVAL* by depositing a copy of same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery to the following:

Kenneth James Lay
HOOD & LAY, LLC
1117 22nd Street South
Birmingham, AL 35205

Michael R. Lunsford
Michael M. Cooper
PORTERFIELD, HARPER, MILLS
MOTLOW & IRELAND, P.A.
22 Inverness Center Parkway, Suite 600
Birmingham, AL 35242

This 30th day of June, 2015.

/s/ Gregory M. Taube
Gregory M. Taube
Alabama Bar No. ASB-4499-A41G

Attorney for Defendants
PNC Bank, N.A. and
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